

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

MICHAEL E. LONG, JR.

PLAINTIFF

V.

CASE NO. 4:18-CV-177-SWW-BD

LINDSAY PAXTON

DEFENDANT

RECOMMENDED DISPOSITION

I. Procedure for Filing Objections:

The following Recommended Disposition (“Recommendation”) has been sent to Judge Susan Webber Wright. Mr. Long may file written objections with the Clerk of Court within fourteen (14) days of the date of this Recommendation. Objections must be specific and must include the factual or legal basis for the objection. An objection to a factual finding must identify the finding of fact believed to be wrong and describe the evidence that supports that belief.

If no objections are filed, Judge Wright can adopt this Recommendation without independently reviewing the record. By not objecting, Mr. Long may waive the right to appeal questions of fact.

II. Background:

Plaintiff Michael E. Long, Jr. filed this lawsuit under 42 U.S.C. § 1983 without the help of a lawyer. (Docket entry #2) Mr. Long is no longer incarcerated at the Faulkner County Detention Center, as evidenced by mail returned to the Court as undeliverable on September 24, 2018 and October 16, 2018. (#41, #43)

Mr. Long did not notify the Court of his new address, however, as required by the Court's Local Rules. The Court gave him thirty days from November 20, 2018 to provide notice of his current address and specifically warned him that his failure to comply could result in the dismissal of this case under Local Rule 5.5(c)(2). (#44) As of this date, Mr. Long has failed to respond to the Court's November 20 Order. The deadline for complying has expired.

III. Conclusion:

The Court recommends that Mr. Long's claims be DISMISSED, without prejudice, based on his failure to comply with this Court's November 20, 2018 Order. It is further recommended that Judge Wright certify, pursuant to 28 U.S.C. § 1915(a)(3), that an *in forma pauperis* appeal taken from the order and judgment dismissing this action would be considered frivolous and not in good faith.

IT IS SO RECOMMENDED, this 21st day of December, 2018.


UNITED STATES MAGISTRATE JUDGE